

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	NO. CR09-5348RJB
	)	
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
vs.	)	MOTION TO CONTINUE TRIAL
	)	DATE
DONALD KARL POOLE, JR.,	)	
	)	
Defendant.	)	
_____	)	

Based on the stipulation of the parties to continue the trial date in this matter, and the facts set forth in the affidavit of defense counsel in support of the motion, which are hereby incorporated by reference and adopted as findings of fact, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(I).
3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself

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1 within the time limits established by the Speedy Trial Act and currently set for this case.

2 18 U.S.C. § 3161(h)(7)(B)(ii).

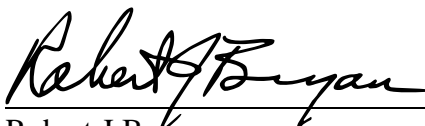
3 4. Taking into account the exercise of due diligence, a continuance is necessary  
4 to allow the defendant the reasonable time for effective preparation of his defense. 18  
5 U.S.C. § 3161(h)(7)(B)(iv).

6 NOW, THEREFORE,

7 IT IS HEREBY ORDERED that the trial date in this matter is continued from  
8 July 27, 2009 to November 16, 2009, at 9:30 am. The resulting period of delay from  
9 July 27, 2009 to November 16, 2009, is hereby excluded for speedy trial purposes under  
10 18 U.S.C. § 3161(h)(7)(A) and (B).

11 Pre-trial conference shall be on November 6, 2009, at 8:30 am.

12 DONE this 8th day of July, 2009.

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16 Robert J Bryan  
17 United States District Judge

18 Presented by:

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20  
21 /s/ Miriam F. Schwartz  
22 MIRIAM F. SCHWARTZ  
23 Attorney for Defendant

21 /s/ Brian Werner  
22 BRIAN WERNER  
23 Assistant United States Attorney